MEMORANDUM

SUBJECT: Review and Close Out of Compliance Evaluation Inspection (CEI) Report for Gloe Graphics, dba Rosse Lithographing

FROM: Kori Kuehl, RCRA Compliance Officer
RCRA Enforcement and State Programs Branch

THRU: Diane Huffman, Chief
RCRA Enforcement and State Programs Branch

TO: Facility File

The purpose of this memorandum is to document the review and close out of the RCRA Compliance Evaluation Inspection (CEI) of the Gloe Graphics, dba Rosse Lithographing, EPA RCRA ID No. MOD985805464. The CEI was conducted on June 29-30, July 3 and July 6, 2000. The company is a lithographic business which prints magnets, photos and cards.

The inspector found the following RCRA violations during this inspection:

1. failure to make hazardous waste determination on spent fluorescent lamps (10 CSR 25-5.262 (1) incorporating 40 CFR 262.11)
2. failure to make an adequate hazardous waste determination on the dampening solution and the etching solution (10 CSR 25-5.262 (1) incorporating 40 CFR 262.11)
3. failure to send D001 blanket wash off-site after 90 days (10 CSR 25-5.262 (1) incorporating 40 CFR 262.34(e))
4. failure to label or mark storage container of D001 blanket wash per DOT (10 CSR 25-5.262(2)(c)(1))
5. failure to mark storage container of D001 blanket wash with date of accumulation (10 CSR 25-5.262(1) incorporating 40 CFR 262.34(d)(4) referencing 40 CFR 262.34(a)(2))
6. failure to label storage container of D001 blanket wash with words "Hazardous Waste" (10 CSR 25-5.262(1) incorporating 40 CFR 262.34(d)(4) referencing 40 CFR 262.34(a)(3))
7. failure to keep satellite accumulation container of D001 blanket wash closed (10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1)(i) referencing 40 CFR 265.173(a))
8. failure to use the correct EPA ID number on manifests (10 CSR 25-5.262(1) incorporating 40 CFR 262.20(a) as amended by 10 CSR 25-5.262(2)(B)1)
9. failure to use consecutive shipment number on the manifest for 11/2/99 shipment (10 CSR 25-5.262(2)(B)2.A)

10. failure to list the correct DOT shipping name in manifest (10 CSR 25-5.262(2)(B) 1 & 2)
11. failure to list the specific gravity of the waste in manifest (10 CSR 25-5.262(2)(B) 1 & 2)
12. failure to adequately test or use knowledge of the waste to determine if the waste is restricted from land disposal and to send the "Land-Ban" notification/certification with manifest (10 CSR 25-7.268(1) incorporating 40 CFR 268.7(a))
13. failure to list the correct EPA hazardous waste code for the etching solution and the dampening solution (10 CSR 25-7.268(1) incorporating 40 CFR 268.7(b)(4) &(5)
14. failure to clean up used oil spill (10 CSR 25-11.279(1) incorporating 40 CFR 279.22(d))
15. failure to have spill control, decontamination and safety equipment available (10 CSR 25-5.262(1) incorporating 40 CFR 262.34(d)(4) referencing 40 CFR 265.32 as amended by 10 CSR 25-5.262(2)(c)2.G.)
16. failure to post the location of fire extinguishers and spill control equipment near a phone (10 CSR 25-5.262(1) incorporating 40 CFR 262.34(d)(5)(ii))
17. failure to properly label drum of used oil (10 CSR 25-11.279(1) incorporating 40 CFR 279.22(c)(1))

This facility ceased operations shortly after the CEI was conducted. The assets of the company were taken by financial institutions for subsequent resale. The building in which this company was conducting business is contaminated throughout with PCBs. The building is the subject of a CERCLA Enforcement Action Memorandum, dated August 3, 2000, which recommends the controlled demolition of the building and excavation of the contaminated soils. The PCB-contaminated debris and/or soils would be disposed in a licensed landfill. A Consent Order is currently being circulated to the responsible parties to demolish the building. A copy of the Action Memorandum and subsequent Amendment, dated January 29, 2001, is attached. Given this set of facts, we consider the violations listed in the RCRA CEI report to be resolved.

Attachments

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JUL 23 2002

MEMORANDUM

SUBJECT: Review and Close Out of Compliance Evaluation Inspection (CEI) Report for Gloe Graphics, dba Rosse Lithographing

FROM: Kori Kuehl, RCRA Compliance Officer
RCRA Enforcement and State Programs Branch 7/22/02

THRU: Diane Huffman, Chief
RCRA Enforcement and State Programs Branch 7/22/02

TO: Facility File

The purpose of this memorandum is to document the review and close out of the RCRA Compliance Evaluation Inspection (CEI) of the Gloe Graphics, dba Rosse Lithographing, EPA RCRA ID No. MOD985805464. The CEI was conducted on June 29-30, July 3 and July 6, 2000. The company is a lithographic business which prints magnets, photos and cards.

The inspector found the following RCRA violations during this inspection:

1. failure to make hazardous waste determination on spent fluorescent lamps (10 CSR 25-5.262 (1) incorporating 40 CFR 262.11)
2. failure to make an adequate hazardous waste determination on the dampening solution and the etching solution (10 CSR 25-5.262 (1) incorporating 40 CFR 262.11)
3. failure to send D001 blanket wash off-site after 90 days (10 CSR 25-5.262 (1) incorporating 40 CFR 262.34(e))
4. failure to label or mark storage container of D001 blanket wash per DOT (10 CSR 25-5.262(2)(c)(1))
5. failure to mark storage container of D001 blanket wash with date of accumulation (10 CSR 25-5.262(1) incorporating 40 CFR 262.34(d)(4) referencing 40 CFR 262.34(a)(2))
6. failure to label storage container of D001 blanket wash with words "Hazardous Waste" (10 CSR 25-5.262(1) incorporating 40 CFR 262.34(d)(4) referencing 40 CFR 262.34(a)(3))
7. failure to keep satellite accumulation container of D001 blanket wash closed (10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1)(i) referencing 40 CFR 265.173(a))
8. failure to use the correct EPA ID number on manifests (10 CSR 25-5.262(1) incorporating 40 CFR 262.20(a) as amended by 10 CSR 25-5.262(2)(B)1)
9. failure to use consecutive shipment number on the manifest for 11/2/99 shipment (10 CSR 25-5.262(2)(B)2.A)

10. failure to list the correct DOT shipping name in manifest (10 CSR 25-5.262(2)(B) 1 & 2)
11. failure to list the specific gravity of the waste in manifest (10 CSR 25-5.262(2)(B) 1 & 2)
12. failure to adequately test or use knowledge of the waste to determine if the waste is restricted from land disposal and to send the "Land-Ban" notification/certification with manifest (10 CSR 25-7.268(1) incorporating 40 CFR 268.7(a))
13. failure to list the correct EPA hazardous waste code for the etching solution and the dampening solution (10 CSR 25-7.268(1) incorporating 40 CFR 268.7(b)(4) &(5)
14. failure to clean up used oil spill (10 CSR 25-11.279(1) incorporating 40 CFR 279.22(d))
15. failure to have spill control, decontamination and safety equipment available (10 CSR 25-5.262(1) incorporating 40 CFR 262.34(d)(4) referencing 40 CFR 265.32 as amended by 10 CSR 25-5.262(2)(c)2.G.)
16. failure to post the location of fire extinguishers and spill control equipment near a phone (10 CSR 25-5.262(1) incorporating 40 CFR 262.34(d)(5)(ii))
17. failure to properly label drum of used oil (10 CSR 25-11.279(1) incorporating 40 CFR 279.22(c)(1))

This facility ceased operations shortly after the CEI was conducted. The assets of the company were taken by financial institutions for subsequent resale. The building in which this company was conducting business is contaminated throughout with PCBs. The building is the subject of a CERCLA Enforcement Action Memorandum, dated August 3, 2000, which recommends the controlled demolition of the building and excavation of the contaminated soils. The PCB-contaminated debris and/or soils would be disposed in a licensed landfill. A Consent Order is currently being circulated to the responsible parties to demolish the building. A copy of the Action Memorandum and subsequent Amendment, dated January 29, 2001, is attached. Given this set of facts, we consider the violations listed in the RCRA CEI report to be resolved.

Attachments

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

#112823

Site: PCB Inc - Missouri
ID #: MOD063670350
Break: 2.6
Other:
8-3-09

ENFORCEMENT ACTION MEMORANDUM

SUBJECT: Request for a Removal Action at PCB Treatment, Inc., Site
2100 Wyandotte Street, Kansas City, Jackson County, Missouri

FROM: Pauletta R. France-Isetts, RPM Pauletta R France-Isetts
Missouri/Kansas Remedial Branch

THRU: Steve Kovac, Chief Steve Kovac
Missouri/Kansas Remedial Branch

TO: Michael J. Sanderson, Director
Superfund Division

Site ID#: **RK** CERCLIS ID: **MOD063670350**

I. PURPOSE

The purpose of this Enforcement Action Memorandum is to request and document approval for a non-time-critical removal action at part of the PCB Treatment, Inc., site located at 2100 Wyandotte Street, Kansas City, Jackson County, Missouri. Potentially responsible parties (PRPs) may perform this removal action. Therefore, no funding for an Environmental Protection Agency (EPA) implementation of this removal action is requested at this time. In the event that PRPs do not perform this removal action pursuant to an Administrative Order on Consent, EPA Region VII plans to issue a Unilateral Administrative Order to compel the PRPs to implement the removal action. No nationally significant issues exist at this site.

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

A Removal Site Evaluation (RSE) study was conducted in accordance with the terms of an Administrative Order on Consent between a group of former PCB Treatment, Inc., customers and the EPA. The RSE included sample collection and analysis for areas in and around the structure located at 2100 Wyandotte Street. Samples of the following media were collected and analyzed during the RSE: soils (surface and subsurface), groundwater, concrete dust, air, concrete cores, wipe, and sludge.

Analytical data for the samples collected indicated polychlorinated biphenyl (PCB) contamination at concentrations which represent a threat to human health and the environment. Action levels established after evaluation of risks to human health and the environment were exceeded in both interior and exterior samples. Interior samples indicated that both the walls and the floors are contaminated with PCBs. PCB contamination of the concrete floors, occupied by PCB Treatment, Inc. (PCB, Inc.), was present through the entire concrete thickness. Soil samples, collected exterior to the structure, indicated PCB concentrations greater than the action levels. No groundwater contamination was detected.

The part of the site addressed by this Action Memorandum consists of a seven-story concrete frame building and surrounding soils, see Figure 1. It is located at 2100 Wyandotte Street, Kansas City, Missouri, see Figure 2. This property is bordered by sidewalks on the north and east sides, a parking lot on the south side, and an alley on the west side. Historical uses of the property were generally for storage and light industry. Information from the 1990 U.S. Census indicates a population of about 6,500 within a one-mile radius of the site. The 1990 Census indicates that the population residing in the vicinity of the site are of Caucasian, African-American, and Hispanic origins.

There are eight schools and day care centers, six hospitals, five parks and three food manufacturing facilities within a one-mile radius of the site. One hundred sixteen restaurants, bars, catering facilities, and soup kitchens are also present within this area.

This part of the site is located on a developed piece of property. The tract of land is flat-lying and underlain by alluvial deposits associated with the Kansas River. The Wyandotte Street property is located in the Freighthouse District, an area that is being actively re-developed. Land use surrounding the Wyandotte Street property is currently commercial and light-industrial. Union Station and Science City are located in close proximity. Lofts, art museums, restaurants, offices, and parking are expected to be constructed in the immediate area around the Wyandotte Street property.

Releases of materials contaminated with PCBs occurred during operations at the site. These releases were likely the result of spilled, splashed, leaked, or poured PCB-contaminated oil which came to be located in and on the floor, walls, and soils surrounding the building. Information gathered during the RSE indicates that portions of all floors, even those not used by PCB, Inc., are contaminated with PCBs above health-based levels.

PCB, Inc., was authorized by the EPA pursuant to the Toxic Substances Control Act (TSCA) to treat and dispose materials containing PCBs. Historically, PCBs were commonly used as coolants and lubricants in transformers, capacitors, and other electrical equipment. The manufacture of PCBs stopped in the United States in 1977 due to evidence that they accumulate in the environment and cause harmful effects.

PCB, Inc., began operations at 2100 Wyandotte Street in Kansas City, Missouri, during 1982. Operations at the facility included: capacitor decommissioning, de-chlorination of PCB-contaminated oils, and temporary storage of PCB-items. In 1983, EPA granted PCB, Inc., a three-year permit to decommission capacitors pursuant to the TSCA regulations. The capacitor decommissioning activities involved chopping open the capacitor, removing the fluid and internal parts, flushing the container and shipping the oil and internal parts to the SCA incinerator located near Chicago, Illinois. The capacitor decommissioning activities were conducted on the third floor.

PCB, Inc., also applied for and received a permit from EPA that approved an alternate method of de-chlorinating oils contaminated with PCBs. This process was conducted at the Wyandotte facility for only a short period of time. During September 1984, PCB, Inc., requested that the permit be transferred to its wholly owned subsidiary, Environmental Resource Management, Inc. (ERMI), which would operate at 45 Ewing Street, Kansas City, Kansas. This request was approved. PCB, Inc., operated at both locations through 1986. During this time period, PCB, Inc., operated under other names which included: PCB, Inc., of Missouri; PCB, Inc., of Kansas; Environmental Resource Management, Inc.; PCB, Inc.; and Envirosure (which acted as a marketing arm for the company).

Customers of PCB, Inc., included the federal government, rural electric cooperatives, utility companies, cities, states, and large and small businesses. During its period of operation, approximately 1,500 parties shipped materials contaminated with PCBs to the site, including transformers and capacitors. These items contained PCB concentrations ranging from about 50 parts per million (ppm) to nearly 100 percent PCBs. The total gross weight of materials sent to the site for treatment and disposal was in excess of 25 million pounds.

PCB, Inc., operated on the first, third, sixth, and seventh floors of the structure located at 2100 Wyandotte. Shipments of PCB items from customers were received on the first floor. Capacitors were decommissioned in a room along the north wall of the third floor; the remainder of the third floor was used for storage of PCB items. The sixth and seventh floors were also used for PCB-item storage.

Annual TSCA inspections were made at the facility. Significant violations were observed during the 1985 TSCA inspection; a Notice of Violation was issued to PCB, Inc. PCB, Inc., was assessed a fine and required to "clean" close the facility when it ceased business operations. Inspections were much more frequent after 1985. Near the end of operations, inspections were occurring on a weekly basis. PCB, Inc., requested that its permits be renewed at the end of the three-year period. The EPA refused to renew the permits and PCB, Inc., ceased processing capacitors during late 1986 and ceased de-chlorinating oil during early 1987.

This site is not on nor has it been proposed for inclusion on the National Priorities List of sites.

B. Other Actions to Date

PCB Treatment, Inc., was inspected several times by EPA during its period of operation. These inspections identified permit violations and releases of PCB-contaminated oil. An oil spill from a tanker was reported during 1983. The EPA emergency response personnel responded to and cleaned up the spill.

The owners took various steps to attempt site clean up after PCB Treatment, Inc., ceased operations. These clean-up attempts were made between 1987 and 1991.

Site investigations, as a part of the EPA TSCA efforts, were initiated during 1989 and continued until 1992. The purpose of these investigations was to follow the progress of and evaluate the success of the various clean-up technologies. Analytical data generated as a result of EPA's investigations indicated that the clean-up technologies used were not effective in removing PCB contamination and may have resulted in PCBs migrating into the concrete matrix.

A group of former customers prepared an Engineering Evaluation/Cost Analysis (EE/CA) study for the site. This document was submitted to EPA, pursuant to an Administrative Order on Consent during June 2000. Response technologies to address the PCB-contamination at the site were discussed and evaluated.

The EPA prepared an Executive Summary during June 2000, based on the information contained in the RSE and EE/CA. The Executive Summary identified the preferred removal action to include demolition of the structure and excavation of the PCB-contaminated soils. The materials generated by these activities are to be disposed at landfills licensed and authorized to accept the materials or sent to an off-site incinerator if the PCB concentrations require destruction. Previous clean-up attempts at the site, using washing, solvent rinsing, shot-blasting, scouring, etc., have not been successful and may have exacerbated the problems. Therefore, EPA has determined that the most effective way to remove the contamination and the resultant threat is to demolish the building and excavate the contaminated soils.

C. State and Local Authority Roles

The Missouri Department of Natural Resources (MDNR) has been an active participant during the site evaluation process. MDNR staff have been kept informed of all site-related activities. The city of Kansas City, Missouri, has communicated its concern that the site be cleaned up so that planned re-development of the area not be delayed.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

PCBs do not burn easily and are, therefore, good insulating material. They were used as coolants and lubricants in transformers, capacitors, and other electrical equipment. The manufacture of PCBs stopped in the United States in 1977 because of evidence that they build up in the environment and cause harmful effects to human health. PCBs have been designated hazardous substances pursuant to Section 310(b)(2)(A) of the Federal Water Pollution Control Act, 33 U.S.C. §1321(b)(2)(A), and have been listed as toxic pollutants pursuant to Section 307(a) of the Federal Water Pollution Control Act, 33 U.S.C. §1317(a). Products containing PCBs include: capacitors, transformers, regulators, old fluorescent lighting fixtures, electrical appliances containing PCB capacitors, old microscope oil, and hydraulic fluids.

People exposed to PCBs in the air for a long time have experienced irritation of the nose and lungs and skin irritations, such as acne and rashes. PCBs have been found to cause cancer of the liver in rats. The U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry (ATSDR) has determined that PCBs may reasonably be anticipated to be carcinogens. The EPA has determined that PCBs are a possible human carcinogen.

As part of the RSE, a table was developed which identified the PCB concentrations which correlate with an unacceptable risk to human health. The table below presents the PCB clean-up levels that are risk based and specific to this site. These clean-up levels are based on a residential/commercial use of the site (based on projected land use in the area).

Sample Type	Clean Up Level	Source
Wipe (surface concentration)	1 microgram per hundred square centimeter s(ug/100 cm^2)	Minimum Detection Limit (MDL)
Air (air concentrations)	0.5 ug/cubic meter ($m^{3)}$	MDL
Bulk Concrete (concentrations within concrete)	1 milligram/kilogram (mg/kg) or ppm	Toxic Substance Control Act 40 CFR Part 761.125
Segregation and disposal Value for Bulk Concrete (top one inch)	50 mg/kg	Toxic Substance Control Act 40 CFR Part 761.125
Soil (top 10 inches)	1 mg/kg or ppm	Toxic Substance Control Act 40 CFR Part 761.125 (c)(4)(v)
Soil (depths greater than 10 inches)	10 mg/kg or ppm	Toxic Substance Control Act 40 CFR Part 761.125(c)(4)(v)

The Site Characterization Report was completed during August 1999. This report concluded that all floors of the former PCB, Inc., facility located at 2100 Wyandotte Street are contaminated with PCBs at concentrations above health-based levels. The contamination extends to stairwells, basement, and exterior areas, including soils. PCB concentrations in the building of up to 23,800 ppm have been detected at the site. PCB concentrations of 500 ppm have been detected in the soils. Health-based concentrations were exceeded on portions of all floors, with the third floor being the most heavily contaminated. No PCBs were detected in groundwater. The action level for PCBs (the point at which EPA requires a response action to protect human health and the environment) at the site is one ppm. A response action is clearly necessary to provide protection of human health and the environment.

IV. STATUTORY AND REGULATORY AUTHORITIES

Section 104 of the Comprehensive Environmental Response, Liability and Compensation Act, as amended, (CERCLA) and the regulations promulgated thereunder in the National Contingency Plan (NCP), 40 C.F.R. §300.415(b) provide that EPA may conduct a removal action when it determines that a release or threat of release of hazardous substances poses a substantial threat to human health or the environment. Under Section 106 of CERCLA, EPA can order a PRP to perform a removal action when EPA determines that there may be an imminent and substantial endangerment to public health, welfare, or the environment from the release of hazardous substances at a site. PCBs are hazardous substances as defined by CERCLA § 101(14).

The NCP at §300.415(b)(2) contains eight criteria or factors to be assessed when considering the need for a removal action. Several of these criteria apply to this removal action and are as follows.

A. Specific Criteria Applicable to this Removal Action

1. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants

Humans could be exposed to the PCBs in the soil at this site. Such exposures would include occupational exposures to the populations working at or visiting the site (such as individuals making deliveries or pickups to the facilities, or maintenance personnel). In addition, persons, including children from the nearest residential developments, could trespass on the site during days or hours when the facilities are not in operation and be exposed to contaminants in the surface soil.

A principal means of exposure would be from the incidental ingestion of contaminated soil. The highest PCB concentration detected in the soils was 500 ppm. However, some exposures might also occur from dermal contact with the contaminated soil, from the inhalation of wind-blown contamination dust, and from the ingestion or dermal contact with contaminated surface water runoff.

Another principal means of exposure would be from dermal contact with contaminated building surfaces. The highest PCB concentration detected in the building was 23,800 ppm. However, some exposures might also occur from inhalation of contaminated dust within the building.

2. High levels of hazardous substances, pollutants, or contaminants in soils largely at or near the surface that may migrate

Soil which is to be addressed by this removal action contains concentrations of PCBs up to 500 ppm, which is well above concentrations that EPA finds acceptable in it TSCA Spill Policy, even for sites in industrial/nonresidential settings (25 ppm).

3. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released

The Wyandotte facility is located in the abandoned lower Turkey Creek Valley, an abandoned Pleistocene ice margin diversion channel. Flooding and the rapid flow of water across a site can either pick up and deposit contaminated soil or can deposit sediment on top of the site. Fortunately, no flood-related migration of PCB contamination has been detected. However, future high-water events might act differently and carry contaminated soil onto adjacent properties.

4. The availability of other appropriate federal or state response mechanisms to respond to the release

Neither EPA nor MDNR have identified authorities other than the EPA Superfund removal program which could be used in an efficient manner to address the PCB contamination.

B. Endangerment Determination

In summary, as indicated in the discussion of several of the above criteria, the actual or threatened releases of hazardous substances from the Wyandotte facility, including but not limited to PCBs, if not addressed by the implementation of the response action selected in this Action Memorandum, present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

The EE/CA for the site was approved by EPA during June 2000. This document evaluated different means of addressing the PCB contamination found at the site. (A copy of the EE/CA can be found in the Administrative Record for the site at the Kansas City, Missouri, Main Public Library - Government Documents, 311 E. 12th Street, Kansas City, Missouri.) Two categories of action, no action and solvent washing, were determined to be ineffective to reduce contamination concentrations to values which would be protective of human health or the environment. Actual use of these technologies at other sites with PCB contamination has not been effective.

Controlled demolition of the building and excavation of the contaminated soils have been selected as the preferred response. PCB-contaminated debris and/or soils are to be disposed in a licensed landfill. It is estimated that 17,900 tons of building debris will be generated. Demolition of the building is to be performed from the roof down. The building will be dismantled in a "surgical" manner to better control fugitive dust emissions. Concrete debris from the building will be segregated, based on contamination concentrations, and shipped to an appropriate licensed landfill for disposal. Some portions of the building may require off-site incineration as a result of the PCB concentrations within the concrete. PCB contamination of the soils surrounding the building is not thought to be more than 12 inches in depth. Approximately 150 tons of soil are estimated to be contaminated at concentrations above the action level at the site. Soils will be composited for shipment to the licensed disposal facility. Excavated portions of the site will be backfilled to surround grade.

The detailed work plan for building demolition will contain information regarding the methods to be used to minimize dust emissions and water runoff. Dust control may include misting, some form of partial enclosure, etc. The successful demolition contractor will be responsible for compliance with applicable regulations including, but not limited to, EPA Air Regulations.

This structure is currently occupied by two tenants: Rosse Lithographing and Swift Chemical. Rosse Lithographing has occupied a portion the building since the mid-1970s. Swift Chemical has occupied space at the building since March 1982. A portion of the space occupied by Swift Chemical is currently sub-leased to Midwest Data Accessories. Assisting these tenants with moving costs will be part of the removal action.

The following federal regulations were considered as applicable or relevant and appropriate requirements (ARARs) for this removal action.

- National Pollutant Discharge Elimination System (NPDES) Requirements
(CWA 40 CFR 122)
- General Pretreatment Regulations for Existing and new Sources of Pollution for Publicly Owned Treatment Works (POTW)
(WPCA 40 CFR 401 and 403)
- DOT Rules for Transportation of Hazardous Materials
(DOT 49 CFR 107)
- Standards for Identification and Listing of Hazardous Waste
(RCRA 40 CFR 261)
- Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities
(RCRA 40 CFR 264, 265)
- RCRA Land Disposal Restrictions
(RCRA 40 CFR 266)
- PCB Manufacturing, Processing, Distribution in Commerce and Prohibitions
(TSCA 40 CFR 761)
- Mega Rule (63 FR 35384-35474)

The state of Missouri provided a listing of state regulations which may be ARARs. The state of Missouri was timely in identifying ARARs.

- Missouri Water Quality Standards
(10 CSR 20)
- Air Quality Standards, Definitions, Sampling, and Reference Methods and Air Pollution Regulations for the Entire State of Missouri
(10 CSR 10)
- Missouri Solid Waste Rules
(10 CSR 80)
- Missouri Hazardous Waste Management Law (MoHWML)
Sect. 260.380 RSMO)
- Missouri Hazardous Waste Rules (MoHWR)
(10 CSR 25)

B. Estimated Costs

This action is anticipated to be taken by the PRPs. No Removal Advice of Allowance monies are anticipated to be necessary.

PRP Removal Costs

Building Demolition	$ 6,559,750
Building Debris Transportation & Disposal	5,487,000
Soil Excavation, Transportation & Disposal	307,375
Moving Expenses for Tenants	1,500,000
Contingency (15%)	2,078,125
Total estimated PRP Costs	$15,932,250

EPA Intramural Costs

Intramural Direct Costs	$ 137,000
Intramural Indirect Costs	284,000
Total Intramural Costs	$ 421,000

Total Removal Project Ceiling $16,353,250

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Contamination could continue to migrated resulting in increased levels of exposure to the building tenants, neighbors, and others coming into contact with site contaminants.

The site is located within a redevelopment area of Kansas City, Missouri. The EPA has received correspondence from the Office of the Mayor of Kansas City, Missouri, stating that response to the contamination at the site is extremely important to the city's revitalization effort and delays would be detrimental to the redevelopment efforts. Use of the area may increase due to redevelopment and as a result, could increase the number of individuals potentially exposed to site contaminants.

VII. OUTSTANDING POLICY ISSUES

This is a removal action. No additional response effort is anticipated. Long-term current tenants of the structure will be provided moving assistance as an "other action" that is necessary to provide protection of human health, welfare, and the environment. Staff at EPA Headquarters have been informed of and concur with Region VII's interpretation.

VIII. ENFORCEMENT

PRPs for this site have been identified. The EPA has worked with a Steering Committee representing many of the PRPs and will seek to successfully negotiate an agreement with them to perform the removal action.

IX. RECOMMENDATION

This decision document represents the selected removal action for part of the PCB Treatment, Inc., site located at 2100 Wyandotte Street, Kansas City, Missouri, developed in accordance with CERCLA, as amended, and not inconsistent with the NCP. This decision is based on the Administrative Record for the site.

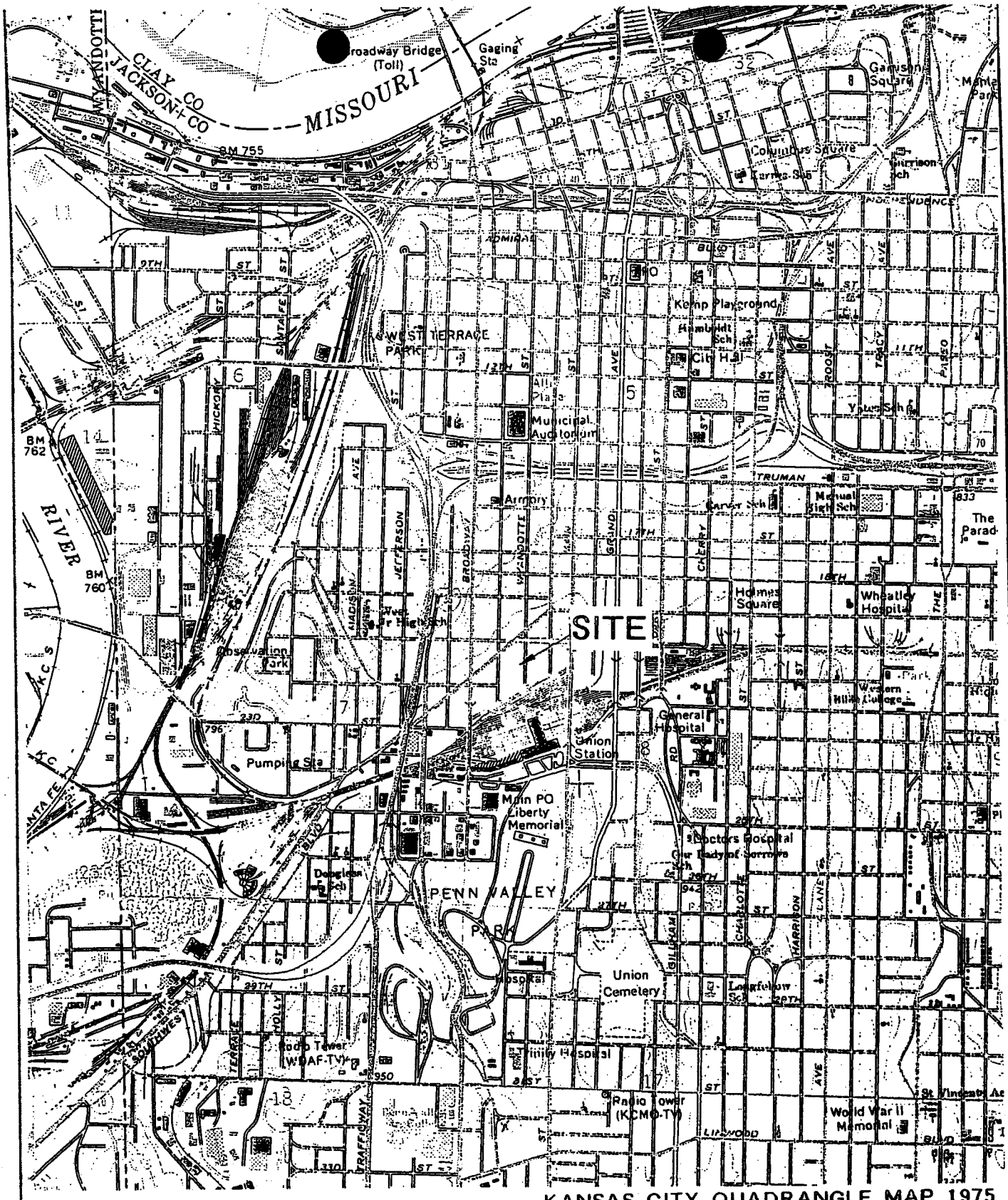
Conditions at the site meet the NCP section 300.415(b)(4) criteria for a non-time-critical removal, and I recommend your approval of the proposed removal action. The total project ceiling is $16,353,250. Of this estimated cost, $15,932,250 is expected to be financed by the PRPs.

☑ Agree ☐ Disagree

Michael J. Sanderson, Director
Superfund Division

8-3-00
Date

PCB Treatment, Inc. Site
2100 Wyandotte Street – Kansas City, Missouri
Figure 1



KANSAS CITY QUADRANGLE MAP 1975

SITE LOCATION MAP
PCB TREATMENT, INC.
2100 WYANDOTTE STREET
KANSAS CITY, MISSOURI

Figure 2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101
JAN 29 2001

07RK

ACTION MEMORANDUM AMENDMENT

SUBJECT: Change in Scope of Work and Estimated Costs for Removal Action at the PCB Treatment, Inc., Site
2100 Wyandotte Street, Kansas City, Jackson County, Missouri

FROM: Pauletta R. France-Isetts, Remedial Project Manager
Missouri/Kansas Remedial Branch

THRU: Steve A. Kovac, Chief
Missouri/Kansas Remedial Branch

TO: Michael J. Sanderson, Director
Superfund Division

CERCLIS ID: **MOD063670350**
SITE ID: **07RK**
CATEGORY OF REMOVAL: non-time critical
NATIONALLY SIGNIFICANT: no

I. PURPOSE

An Enforcement Action Memorandum was approved on August 3, 2000, for an enforcement-lead response action to be performed at the PCB Treatment, Inc., site in Kansas City, Missouri. In accordance with the August 3, 2000, Enforcement Action Memorandum, the Potentially Responsible Parties (PRPs) were to take the lead in implementation of the removal action. The purpose of this Action Amendment is to transfer lead for providing assistance to commercial tenants currently occupying 2100 Wyandotte Street to the Environmental Protection Agency (EPA) and to clarify the applicability of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended[1] (Uniform Relocation Act). The estimated budget for this component of the removal action remains unchanged from the $1.5 million included in the overall removal budget approved in the August 3, 2000, Enforcement Action Memorandum.

---

[1] Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note); and 49 CFR 1.48(cc).

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

A Removal Site Evaluation (RSE) study was conducted in accordance with the terms of an Administrative Order on Consent between a group of former PCB Treatment, Inc., customers and the EPA. The RSE included sample collection and analysis for areas in and around the structure located at 2100 Wyandotte Street. Samples of the following media were collected and analyzed during the RSE: soils (surface and subsurface); groundwater; concrete dust; air; concrete cores; wipe; and sludge.

Analytical data for the samples collected indicated polychlorinated biphenyl (PCB) contamination at concentrations which represent a threat to human health and the environment. Action levels established after evaluation of risks to human health and the environment were exceeded in both interior and exterior samples. Interior samples indicated that both the walls and the floors are contaminated with PCBs. PCB contamination of the concrete floors, occupied by PCB Treatment, Inc. (PCB, Inc.), was present through the entire concrete thickness. Soil samples, collected exterior to the structure, indicated PCB concentrations greater than the action levels. No groundwater contamination was detected.

The part of the site addressed by this Action Memorandum consists of a seven-story concrete frame building and surrounding soils. It is located at 2100 Wyandotte Street, Kansas City, Missouri. This property is bordered by sidewalks on the north and east sides, a parking lot on the south side, and an alley on the west side. Historical uses of the property were generally for storage and light industry. Information from the 1990 U.S. Census indicates a population of about 6,500 within a one-mile radius of the site.

There are eight schools and day care centers, six hospitals, five parks, and three food manufacturing facilities within a one-mile radius of the site. One hundred sixteen restaurants, bars, catering facilities, and soup kitchens are also present within this area.

This part of the site is located on a developed piece of property. The tract of land is flat-lying and underlain by alluvial deposits associated with the Kansas River. The Wyandotte Street property is located in the Freighthouse District, an area that is being actively re-developed. Land use surrounding the Wyandotte Street property is currently commercial and light-industrial. Union Station and Science City are located in close proximity. Lofts, art museums, restaurants, offices, and parking are expected to be constructed in the immediate area around the Wyandotte Street property.

Releases of materials contaminated with PCBs occurred during operations at the site. These releases were likely the result of spilled, splashed, leaked, or poured PCB-contaminated oil which came to be located in and on the floor, walls, and soils surrounding the building. Information gathered during the RSE indicates that portions of all floors, even those not used by PCB, Inc., are contaminated with PCBs above health-based levels.

PCB, Inc., was authorized by the EPA pursuant to the Toxic Substances Control Act (TSCA) to treat and dispose materials containing PCBs. Historically, PCBs were commonly used as coolants and lubricants in transformers, capacitors, and other electrical equipment. The manufacture of PCBs stopped in the United States in 1977 due to evidence that they accumulate in the environment and cause harmful effects.

PCB, Inc., began operations at 2100 Wyandotte Street in Kansas City, Missouri, during 1982. Operations at the facility included capacitor decommissioning, de-chlorination of PCB-contaminated oils, and temporary storage of PCB items. In 1983, EPA granted PCB, Inc., a three-year permit to decommission capacitors pursuant to the TSCA regulations. The capacitor decommissioning activities involved chopping open the capacitor, removing the fluid and internal parts, flushing the container, and shipping the oil and internal parts to the SCA incinerator located near Chicago, Illinois. The capacitor decommissioning activities were conducted on the third floor.

PCB, Inc., also applied for and received a permit from EPA that approved an alternate method of de-chlorinating oils contaminated with PCBs. This process was conducted at the Wyandotte facility for only a short period of time. During September 1984, PCB, Inc., requested that the permit be transferred to its wholly owned subsidiary, Environmental Resource Management, Inc., (ERMI) which would operate at 45 Ewing Street, Kansas City, Kansas. This request was approved. PCB, Inc., operated at both locations through 1986. During this time period, PCB, Inc., operated under other names which included: PCB, Inc., of Missouri; PCB, Inc., of Kansas; Environmental Resource Management, Inc.; PCB, Inc.; and Envirosure (which acted as a marketing arm for the company).

Customers of PCB, Inc., included the federal government, rural electric cooperatives, utility companies, cities, states, and large and small businesses. During its period of operation, approximately 1,500 parties shipped materials contaminated with PCBs to the site, including transformers and capacitors. These items contained PCB concentrations ranging from about 50 parts per million (ppm) to nearly 100 percent PCBs. The total gross weight of materials sent to the site for treatment and disposal was in excess of 25 million pounds.

PCB, Inc., operated on the first, third, sixth, and seventh floors of the structure located at 2100 Wyandotte. Shipments of PCB items from customers were received on the first floor. Capacitors were decommissioned in a room along the north wall of the third floor; the remainder of the third floor was used for storage of PCB items. The sixth and seventh floors were also used for PCB-item storage.

Annual TSCA inspections were made at the facility. Significant violations were observed during the 1985 TSCA inspection; a Notice of Violation was issued to PCB, Inc. PCB, Inc., was assessed a fine and required to "clean" close the facility when it ceased business operations. Inspections were much more frequent after 1985. Near the end of operations, inspections were occurring on a weekly basis. PCB, Inc., requested that its permits be renewed at the end of the three-year period. The EPA refused to renew the permits; and PCB, Inc., ceased processing capacitors during late 1986 and ceased de-chlorinating oil during early 1987.

This site is not on nor has it been proposed for inclusion on the National Priorities List.

B. Other Actions to Date

PCB Treatment, Inc., was inspected several times by EPA during its period of operation. These inspections identified permit violations and releases of PCB-contaminated oil. An oil spill from a tanker was reported during 1983. The EPA emergency response personnel responded to and cleaned up the spill.

The owners took various steps to attempt site clean up after PCB Treatment, Inc., ceased operations. These clean-up attempts were made between 1987 and 1991.

Site investigations, as a part of the EPA TSCA efforts, were initiated during 1989 and continued until 1992. The purpose of these investigations was to follow the progress of and evaluate the success of the various clean-up technologies. Analytical data generated as a result of EPA's investigations indicated that the clean-up technologies used were not effective in removing PCB contamination and may have resulted in PCBs migrating into the concrete matrix.

A group of former customers prepared an Engineering Evaluation/Cost Analysis (EE/CA) study for the site. This document was submitted to EPA, pursuant to an Administrative Order on Consent, during June 2000. Response technologies to address the PCB contamination at the site were discussed and evaluated.

The EPA prepared an Executive Summary during June 2000 based on the information contained in the RSE and EE/CA. The Executive Summary identified the preferred removal action to include demolition of the structure and excavation of the PCB-contaminated soils. The materials generated by these activities are to be disposed at landfills licensed and authorized to accept the materials or sent to an off-site incinerator if the PCB concentrations require destruction. Previous clean-up attempts at the site, using washing, solvent rinsing, shot-blasting, scouring, etc., have not been successful and may have exacerbated the problems. Therefore, EPA has determined that the most effective way to remove the contamination and the resultant threat is to demolish the building and excavate the contaminated soils.

C. State and Local Authority Roles

The Missouri Department of Natural Resources (MDNR) has been an active participant during the site evaluation process. The MDNR staff have been kept informed of all site-related activities. The city of Kansas City, Missouri, has communicated its concern that the site be cleaned up so that planned redevelopment of the area not be delayed.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

PCBs do not burn easily and are, therefore, good insulating material. They were used as coolants and lubricants in transformers, capacitors, and other electrical equipment. The manufacture of PCBs stopped in the United States in 1977 because of evidence that they build up in the environment and cause harmful effects to human health. PCBs have been designated hazardous substances pursuant to Section 310(b)(2)(A) of the Federal Water Pollution Control Act, 33 U.S.C. §1321(b)(2)(A), and have been listed as toxic pollutants pursuant to Section 307(a) of the Federal Water Pollution Control Act, 33 U.S.C. §1317(a). Products containing PCBs include: capacitors; transformers; regulators; old fluorescent lighting fixtures; electrical appliances containing PCB capacitors; old microscope oil; and hydraulic fluids.

People exposed to PCBs in the air for a long time have experienced irritation of the nose and lungs, and skin irritations, such as acne and rashes. PCBs have been found to cause cancer of the liver in rats. The U.S. Department of Health and Human Services, Public Health Service, Agency for Toxic Substances and Disease Registry (ATSDR) has determined that PCBs may reasonably be anticipated to be carcinogens. The EPA has determined that PCBs are a possible human carcinogen.

As part of the RSE, a table was developed which identified the PCB concentrations which correlate with an unacceptable risk to human health. The table below presents the PCB clean-up levels that are risk-based and specific to this site. These clean-up levels are based on a residential/commercial use of the site (based on projected land-use in the area).

Sample Type	Clean Up Level	Source
Wipe (surface concentration)	1 microgram per hundred square centimeters (ug/100 cm^2)	Minimum Detection Limit (MDL)
Air (air concentrations)	0.5 ug/cubic meter (m^3)	MDL
Bulk Concrete (concentrations within concrete)	1 milligram/kilogram (mg/kg) or ppm	Toxic Substance Control Act 40 CFR Part 761.125
Segregation and disposal Value for Bulk Concrete (top one inch)	50 mg/kg	Toxic Substance Control Act 40 CFR Part 761.125
Soil (top 10 inches)	1 mg/kg or ppm	Toxic Substance Control Act 40 CFR Part 761.125 (c)(4)(v)
Soil (depths greater than 10 inches)	10 mg/kg or ppm	Toxic Substance Control Act 40 CFR Part 761.125(c)(4)(v)

The Site Characterization Report was completed during August 1999. This report concluded that all floors of the former PCB, Inc., facility located at 2100 Wyandotte Street, are contaminated with PCBs at concentrations above health-based levels. The contamination extends to stairwells, basement, and exterior areas, including soils. PCB concentrations in the building of up to 23,800 parts per million (ppm) have been detected at the site. PCB concentrations of 500 ppm have been detected in the soils. Health-based concentrations were exceeded on portions of all floors, with the third floor being the most heavily contaminated. No PCBs were detected in groundwater. The action level for PCBs (the point at which EPA requires a response action to protect human health and the environment) at the site is one ppm. A response action is clearly necessary to provide protection of human health and the environment.

IV. STATUTORY AND REGULATORY AUTHORITIES

Section 104 of the Comprehensive Environmental Response, Liability, and Compensation Act, as amended, (CERCLA) and the regulations promulgated thereunder in the National Contingency Plan (NCP), 40 C.F.R. §300.415(b) provide that EPA may conduct a removal action when it determines that a release or threat of release of hazardous substances poses a substantial threat to human health or the environment. Under Section 106 of CERCLA,

EPA can order a PRP to perform a removal action when EPA determines that there may be an imminent and substantial endangerment to public health, welfare, or the environment from the release of hazardous substances at a site. PCBs are hazardous substances as defined by CERCLA § 101(14).

The NCP at § 300.415(b)(2) contains eight criteria or factors to be assessed when considering the need for a removal action. Several of these criteria apply to this removal action and are as follows.

A. Specific Criteria Applicable to this Removal Action

1. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants, or contaminants

Humans could be exposed to the PCBs in the soil at this site. Such exposures would include occupational exposures to the populations working at or visiting the site (such as individuals making deliveries or pickups to the facilities, or maintenance personnel). In addition, persons, including children from the nearest residential developments, could trespass on the site during days or hours when the facilities are not in operation and be exposed to contaminants in the surface soil.

A principal means of exposure would be from the incidental ingestion of contaminated soil. The highest PCB concentration detected in the soils was 500 ppm. However, some exposures might also occur from dermal contact with the contaminated soil, from the inhalation of wind-blown contamination dust, and from the ingestion or dermal contact with contaminated surface water runoff.

Another principal means of exposure would be from dermal contact with contaminated building surfaces. The highest PCB concentration detected in the building was 23,800 ppm. However, some exposures might also occur from inhalation of contaminated dust within the building.

2. High levels of hazardous substances, pollutants, or contaminants in soils largely at or near the surface that may migrate

Soil which is to be addressed by this removal action contains concentrations of PCBs up to 500 ppm, which is well above concentrations that EPA finds acceptable in its TSCA Spill Policy, even for sites in industrial/nonresidential settings (25 ppm).

3. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released

The Wyandotte facility is located in the abandoned lower Turkey Creek Valley, an abandoned Pleistocene ice margin diversion channel. Flooding and the rapid flow of water across a site can either pick up and deposit contaminated soil or can deposit sediment on top of the site. Fortunately, no flood-related migration of PCB contamination has been detected. However, future high-water events might act differently and carry contaminated soil onto adjacent properties.

4. The availability of other appropriate federal or state response mechanisms to respond to the release

Neither EPA nor MDNR has identified authorities other than the EPA Superfund removal program which could be used in an efficient manner to address the PCB contamination.

B. Endangerment Determination

In summary, as indicated in the discussion of several of the above criteria, the actual or threatened releases of hazardous substances from the Wyandotte facility, including but not limited to PCBs, if not addressed by the implementation of the response action selected in this Action Memorandum, present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

Proposed Action Description

The response actions selected for the PCB Treatment, Inc., facility in Kansas City, Missouri, involves the demolition of the structure currently occupied by three commercial tenants. Demolition of the building will require these tenants to move to a new location in order to re-establish their businesses. The August 3, 2000, Enforcement Action Memorandum describes as a component of the selected response action:

"This structure [at 2100 Wyandotte] is currently occupied by two tenants: Rosse Lithographing and Swift Chemical. Rosse Lithographing has occupied a portion the building since the mid-1970s. Swift Chemical has occupied space at the building since

March 1982. A portion of the space occupied by Swift Chemical is currently sub-leased to Midwest Data Accessories. Assisting these tenants with moving costs will be part of the removal action."

Subsequent to the August 3, 2000, Enforcement Action Memorandum, EPA, in consultation with the U.S. Army Corps of Engineers, has determined that the commercial tenants occupying the 2100 Wyandotte facility are displaced parties resulting from an action of the federal government. As such, EPA has determined that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Relocation Act), is applicable to this action. Accordingly, assistance consistent with the Uniform Relocation Act will be made available to commercial tenants at 2100 Wyandotte Street during the course of this removal action.

The assistance provided to the building tenants is considered neither permanent relocation nor temporary relocation as defined under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Contingency Plan (NCP). Rather, the tenant move is authorized as "the taking of such other actions" described in Section 101(23) of CERCLA that EPA has determined are necessary "to prevent, minimize, or mitigate damage to the public health or welfare, or the environment, which may otherwise result from a release or threat of release".

B. Estimated Costs

This amendment transfers responsibility for the tenant move from the PRP group to EPA. The following revised budget reflects that modification.

PRP Removal Costs	Current Ceiling	Proposed Ceiling
Building Demolition	$ 6,559,750	$6,559,750
Building Debris Transportation & Disposal	5,487,000	5,487,000
Soil Excavation, Transportation & Disposal	307,375	307,375
Moving Expenses for Tenants	1,500,000	-0-
Contingency (15%)	2,078,125	1,853,125
Total, Estimated PRP Costs	$15,932,250	$14,207,250

EPA Extramural Costs

Moving Expenses for Tenants	-0-	$1,500,000
Contingency (15%)	-0-	225,000
Total, Estimated EPA Extramural Costs	-0-	$1,725,000
Total Removal Project Ceiling	$15,932,250	$15,932,250

The Total Removal Project Ceiling appearing above differs from the Total Removal Project Ceiling in the August 3, 2000, Enforcement Action Memorandum due to the deletion of EPA intramural costs (direct and indirect) from the estimated cost summary. The current estimate of EPA direct intramural costs remains unchanged from the August 3, 2000, Enforcement Action Memorandum estimate of $137,000.. In accordance with revised calculation procedures, the previous estimate of EPA intramural indirect costs has been adjusted to $1,048,120 from the original $284,000. These EPA direct and indirect intramural costs will not count toward the Total Removal Project Ceiling for this removal action.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Contamination could continue to migrate resulting in increased levels of exposure to the building tenants, neighbors, and others coming into contact with site contaminants.

The site is located within a redevelopment area of Kansas City, Missouri. The EPA has received correspondence from the office of the Mayor of Kansas City, Missouri, stating that response to the contamination at the site is extremely important to the city's revitalization effort and delays would be detrimental to the redevelopment efforts. Use of the area may increase due to redevelopment and, as a result, could increase the number of individuals potentially exposed to site contaminants.

VII. OUTSTANDING POLICY ISSUES

This is a removal action. No additional response effort is anticipated. Long-term current tenants of the structure will be provided moving assistance as an "other action" that is necessary to provide protection of human health, welfare, and the environment. Staff at EPA Headquarters has been informed of and concur with Region VII's interpretation.

VIII. ENFORCEMENT

PRPs for this site have been identified. The EPA has worked with a Steering Committee representing many of the PRPs and will seek to successfully negotiate an agreement with them to perform all portions of the removal action except providing assistance to affected businesses at 2100 Wyandotte Street, Kansas City, Missouri. There is an enforcement addendum for this site. For NCP consistency purposes, it is not part of this memorandum.

IX. RECOMMENDATION

This decision document represents the amended removal action for the PCB Treatment, Inc., site located at 2100 Wyandotte Street, Kansas City, Missouri. This action was developed in accordance with CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the site.

Conditions at the site meet the NCP Section 300.415(b) criteria for a removal action, and I recommend your approval of this amended removal action. The Total Removal Project Ceiling, if approved, will be $16,069,250. Of this, an estimated $ 1,725,000 is allocated to business re-establishment expenses for commercial tenants located at 2100 Wyandotte Street, and will be funded by the Regional removal allowance.

Approved:

Michael J. Sanderson
Director
Superfund Division

01/29/01
Date